



Montana Fish, Wildlife & Parks

Clark Fork River Cleanup Closure Rules - Proposed

I. PURPOSE

(1) The purpose of the following rules is to address public safety concerns during construction and to protect vegetation planted during phases one, two, five and six of the Milltown Reservoir / Clark Fork River Superfund Site cleanup, at the request of the Montana Department of Environmental Quality and the Montana Department of Justice, Natural Resource Damage Program.

(2) These closure rules apply to portions of the Clark Fork River and Warm Springs Wildlife Management Area located in Deer Lodge County downstream from Warm Springs Ponds.

(3) An annual closure rule has been in place for 1 3/4 mile section of the Clark Fork River and an adjacent section of the Warm Springs Wildlife Management Area since June 5, 2013 for the purpose of addressing safety concerns associated with anglers entering into the construction zone in the presence of heavy equipment and exposed toxic metals and arsenic. The current annual will expire on September 15, 2015.

II. CLARK FORK RIVER AND WARM SPRINGS WILDLIFE MANAGEMENT AREA CLOSURE – PHASE ONE COMPLETION

(1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from June 6, 2014 through September 15, 2016 for 1 3/4 river miles starting 3/4 mile downstream of the Pond 2 outflow and proceeding downstream to the Warm Springs WMA boundary as signed.

III. CLARK FORK RIVER AND WARM SPRINGS WILDLIFE MANAGEMENT AREA CLOSURE – PHASE TWO

(1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from December 1, 2014 through September 15, 2016 for 1.9 river miles starting at the river's upstream boundary with the Warm Springs WMA and proceeding downstream to Perkins Lane road as signed.

(2) The road accessing the eastern portion of the wildlife management area is closed from September 15, 2015 through September 15, 2016 as gated and signed.

(3) The portion of land south and east of the road closure to the downstream boundary of the wildlife management area is closed to all public occupation from September 15, 2015 through September 15, 2016 as signed. The Job Corp Ponds portion of the WMA will remain open through the closure for angler opportunity and waterfowl hunting only with road access from the north end of the Job Corp Ponds via Perkins Lane.

IV. CLARK FORK RIVER A CLOSURE – PHASE FIVE AND SIX

(1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from July 15, 2014 through July 15, 2016 for 4.5 river miles starting where the river flows under the Galen Road and proceeding downstream to where the river flows under Gemback Road as signed.

V. EXCEPTIONS TO RIVER CLOSURES

- (1) The general exceptions and applications identified in 12.11.505, ARM, apply to these closure rules.
- (2) Equipment and employees necessary for completion of the cleanup are permitted to occupy the closed portions of the Clark Fork River and Warm Springs WMA.
- (3) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, to repeal any or all portions of the rule should conditions no longer present a public safety concern, and to reinstate the closures should safety issues become apparent.

VI. EFFECTIVE DATE AND EXPIRATION OF THIS RULE

- (1) These rules are effective upon final approval of the commission.
- (2) This rule may be repealed at anytime by the commission. Signs restricting use of the Clark Fork River and Warm Springs WMA will be removed when the rule is not active.